

REMARKS

Claims 41-80 are pending in this application. Claims 1-40 have been cancelled. New Claims 41-80 roughly correspond to cancelled Claims 1-40, but have been rewritten so as to define different limitations, all of which include an optical switching platform. In many other respects, Claims 41-80 are broader than cancelled Claims 1-40, in that limitations deemed no longer necessary have been removed. Some of the new claims define new and different subject matter that is supported by the specification, but was previously unclaimed. By these amendments, no new matter has been added.

The present invention provides a novel method and system for collocation of disparate, non-homogenous telecommunications, which may be used, for example, to provide efficient provisioning and communication between collocated IXC, PTT, MAN, CSP, ISP, and/or ILEC systems, handling translation between different protocols, for example, SDH, SONET, and Ethernet, to name just a few. Unlike prior-art collocated systems, the disparate telecommunication systems can be non-homogeneous, i.e., of different types or kinds, and may belong to different telecommunication carriers. Surprisingly, these and other novel aspects of the invention stand poised to enable revolutionary increases in efficiency and competition in the telecommunications industry. Indeed, many of these changes are already occurring.

The Examiner rejected Claims 1-40 under 35 U.S.C. § 103(a) over various combinations of different references; more particularly, Claims 1-4, 6 and 11-14 were rejected over Saaverda in view of Rasanen, Claims 5, 7-10 and 15-40 in view of Saaverda, Rasanen and Cornell, and Claims 21-40 over the same references, as being corresponding apparatus claims for method Claims 1-20. All of these rejections are respectfully traversed. The rejections are moot with respect to cancelled Claims 1-40, and the cited references pose no bar to patentability of new Claims 41-80.

While Applicants acknowledge and appreciate the Examiner's care in identifying

the specific portions of the references that are relied on for each claim, it is clear that the references concern different subject matter than the invention, and are not properly combined to present any bar to patentability.

Saveerda discloses co-location of competitive local exchange carrier (ILEC) and competitive local exchange carrier (CLEC) equipment in a central office, in the context of a method or system for enabling a CLEC to efficiently secure a local loop to a user location. (Col. 5, lines 55-65; col. 1, lines 62-64.) The local loop can be used for a high bandwidth connection using a digital subscriber loop (DSL) connection. (Col. 1, lines 64-66.) The Examiner acknowledges that Saveerda fails to disclose or suggest co-location of disparate, non-homogenous telecommunications resources, and therefore cites Rasanen. Rasanen discloses an interworking function (IWF) situated at an interface (e.g., a mobile service switching center (MSC)) between a Global System for Mobile Communications (GSM) mobile network and another telecommunication network, such as an Integrated Services Digital Network (ISDN), a public-switched telephone network (PSTN), or another GSM network. (Col. 4, lines 48-67.) The Examiner cites Rasanen for disclosure of non-homogenous telecommunication resources, and argues that co-location of disparate resources is an obvious modification of co-location in the ILEC/CLEC context.

This argument must fail. Saveerda and Rasanen, whether individually or in combination, fail to disclose or suggest numerous aspects of the invention, including, for example,

- provisioning a plurality of disparate, non-homogenous telecommunications equipment within a common co-location site, the equipment communicating signals over different ones of communication networks belonging to respective ones of the telecommunications carriers;
- switching connections between ones of the plurality of disparate, non-homogenous telecommunications equipment using an optical switching platform; and
- determining a fee to be charged to respective ones of the telecommunications carriers, based on an amount of resources consumed

by the respective ones of the telecommunications carriers at the common co-location site

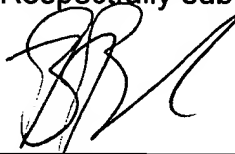
as defined by Claim 41. Independent Claim 61 defines limitations similar to Claim 41. The third reference, Cornell, does not make up for the deficiencies of Saveerda and Rasanen. The subject matter defined by these Claims 41 and 61 is not disclosed or suggested by any of the references. Claims 41 and 61 are therefore allowable, and the remaining claims are also allowable, at least as depending from allowable base claims.

In view of the foregoing, the Applicants respectfully submit that Claims 41-80 are in condition for allowance. Reconsideration and withdrawal of the rejections is respectfully requested, and a timely Notice of Allowability is solicited.

To the extent it would be helpful to placing this application in condition for allowance, the Applicants encourage the Examiner to contact the undersigned counsel and conduct a telephonic interview.

To the extent necessary, Applicants petition the Commissioner for a three-month extension of time, extending to June 22, 2004, the period for response to the Office Action dated December 22, 2003. The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0639.

Respectfully submitted,



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